

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio



Dayton Division

Richard Lee Simkins III

Case No.

3:19-CV-228

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Joshua Spears, Maureen O'Conner John Martin,
Cynthia Martin, Sheri Hall, Michael Brady

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT AND REQUEST FOR INJUNCTION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Richard Lee Simkins III
Street Address	51 Huffman Ave Apt A
City and County	Dayton Montgomery
State and Zip Code	Ohio, 45403
Telephone Number	937-580-1680
E-mail Address	richardlsimkins1971@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	Joshua Spears
Job or Title <i>(if known)</i>	Dayton Police Officer
Street Address	1653 Greene Valley Dr.
City and County	Beavercreek Greene
State and Zip Code	Ohio 45432
Telephone Number	937-333-2677
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	Maureen O'Conner
Job or Title <i>(if known)</i>	Ohio Supreme Court Cheif Justice
Street Address	65 S. Front St.
City and County	Columbus Franklin
State and Zip Code	Ohio 43215
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	Michael Brady
Job or Title <i>(if known)</i>	Retired Judge
Street Address	121 Greenridge Dr
City and County	Bellefontaine, Logan County
State and Zip Code	Ohio 43311-2764
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	Sheri Hall
Job or Title <i>(if known)</i>	Compliance Officer
Street Address	595 Ledbetter Rd.
City and County	Xenia, Greene
State and Zip Code	Ohio 44385
Telephone Number	937- 562-6249
E-mail Address <i>(if known)</i>	See Attached additional Defendants listed

Defendant No. 5 John Martin

Job or Title Magistrate Greene County Ohio

City and County Xenia Greene

State and Zip Ohio 45385

Telephone 937-562-6249

Defendant No. 5 Cynthia Martin

Job or Title Magistrate Greene County Ohio

City and County Xenia Greene

State and Zip Ohio 45385

Telephone 937-562-6249

United States District Court

Southern District of Ohio

Complete Defendant List

Joshua Spears, Maureen O'Conner, Michael Brady, Sheri Hall, John Martin, Cynthia Martin

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Violations of the 1st, 4th, 5th, 14th, Amendments to the U.S. Constitution. Violations of federal statute 42 U.S.C. § 1983, Other Violations of Ohio Revised Code(s) 2701.03, 1907.13, 2903.214, 2903.211 Rules of Court, and Due Process. Abuse of Discretionary Power By Lower Court

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____. Or is a citizen of *(foreign nation)* _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under
the laws of the State of (name) _____, and has its
principal place of business in the State of (name) _____.
Or is incorporated under the laws of (foreign nation) _____,
and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

595 Ledbetter Rd. Xenia Ohio, 45385, 65 S. Front Street Columbus, Ohio 43215

B. What date and approximate time did the events giving rise to your claim(s) occur?

March 5th & 20th, 2019, April 1st, 2019, May 14th 2019, May 25 2019.

- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*
See the attached document containing _____, numbered paragraphs detailing Constitutional violations of law, violation of Federal Law, Violations of State Laws, Violations of Due Process, Violations of Fair and Equal Treatment.
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IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

Damages are immeasurable in any dollar amount. Plaintiff can be harmed beyond repair by issuance of such civil stalking protection order, making it impossible for him to be able to volunteer in charitable works, obtain employment, membership to many organizations, further falsley claimed violatios of such order could restrict liberty, endager Plaintiff's life, the lives of loved ones, random employees of the public and further damage the public health, welfare, saftey, image and interest of presumably lawfully acting public servants.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Defendants be enjoined from issueing any ruling that would seek to infringe upon the Plaintiff's Constitutional Rights, be invalide or invalidated at a later time, be issued out of spite, be issued without merit, be issued in contradiction of statement of intent of Plaintiff, be issued for other reasons than good cause, be issued without good cause, be issued by any unlawfully acting judiciary, be issued in bias, be issued for furtherance of harm, be issued with lack of clear and knowing statement of cause, be issued for any other reason than to promote the public saftey, health and welfare, be issued in contradiction to Ohio State Code(s), or Federal Law(s). Defendants recuse themselves from any furture proceedings involving the Plaintiff. Defendants be prohibited from restricting the Plaintiff's lawful ability to pursue Civil Claims pending in this Court. Defendants be restricted from violating the Plaintiff's rights of due process or any other action that would seek to unlawfully restrict the Plaintiff from pursuing lawful purpose. Any other relief that the Court would find just and proper.

Part C Attachment:

1 . On or about March 20th, 2019 about or before 9:10 am in the Greene County Common Pleas Court located at 595 Ledbetter Rd Xenia Ohio, 45385 Joshua Spears conspires with Sheri Hall to knowingly file a falsified complaint with such court in response to an attempted complaint lodged with the Chief of Police R. Biehl via an email sent to John Musto (Beihls attorney of record) on March 5 2019 (Courtesy copy mailed to Joshua Spears via USPS)(letter attached to complaint). Said complaint filed by Spears is lacking of prerequisites of merit of law to be grantable by any reasonable cognizable stretch of the interpretations of said codes of law. Considered in a reasonable manner such complaint lacks all prerequisite that would indicate any clear immediate or imminent danger of harm to Joshua Spears and certainly lacks any implication or assertions that harm is imminent and present to any other person listed on said complaint form and John Martin issues an ex-parte ruling of a Temporary Civil Stalking Protection Order knowing full well that Spears complaint does not reach the standards set forth in such code of Ohio law ORC 2903.214 as such protection orders are normally issued in favor of victims of person's charged with a crime under ORC 2903.211. At a minimum such request should allege a crime under this section, as Spears complaint does neither, the Magistrate John Martin erred so heavily that it is clearly obvious to a reasonable person that such ruling knowingly abused his discretionary power in his issuance of such Protection Order, as no cause was stated of any immediate or present danger, but rather a 'fear' using the word "could", not will, or has, also demonstrating no previous actual repeated attempt at physical contact, or any attempt at any online contact, phone call or any actual desire of this Plaintiff to initiate any physical or personal contact what-so-ever. This is an outright unlawful abuse of authority of

discretionary power that seeks to deny the Plaintiff his constitution rights of free speech, liberty, and also intentionally furthers the harm perpetrated by Joshua Spears upon the Plaintiff as stated in [3:19-cv-00227-WHR-MJN]. It is well known that the worst of all abusers seek to play a victim to the abused, regularly claiming things like "You made me do it" and "It is your fault, you caused it". There is clear foul play in the ex-parte ruling, which was made without any claim of violation of ORC 2903.211 as is required by law under ORC 2903.214, Sheri Hall and John Martin well know or should have known this which clearly demonstrates abuse of discretionary power by said court and its officer and are relievable under 42 U.S.C § 1983 by and through Injunction and a Temporary Protection Order is necessitated to maintain the status quo.

2. On April 1st, 2019 proceedings are held in the Greene County Common Pleas Court located at 595 Ledbetter Rd Xenia Ohio, 45385. Such letter of complaint sent to Chief Biehl on March 5th 2019 (copy attached) is also noticed to several other agencies with authority and such notices were attempts to place an official complaint upon Joshua Spears with some type of rightful acting lawful authority, Spears personally receives a courtesy copy of such letter of complaint and Spears fails in his duty as peace officer of the City of Dayton SVU Detective to report such crimes as was indicated within such letter that he should report such crimes if he has any authority to do so. Spears actions were not to notify his supervisor of a reported crime and excuse himself from the investigation to be rightfully cleared of any wrongdoing, but instead seeks to use his access to Mr. Simkins' public resources to investigate the Plaintiff, and further files for a such Civil Stalking Protection Order with full knowledge of a lack of any element of the crime of "Menacing by Stalking" ORC 2903.211 required under ORC 2903.214. Joshua Spears admits his intent during Court Proceedings at 595 Ledbetter Rd. Xenia Ohio, 45385 on April 1st,

2019, wherein Joshua Spears states the following, "I still believe that he[Plaintiff] was the person who robbed him", which demonstrates motive for Spears actions at Grandview on 9/13/2017 and also demonstrates a vendetta against the Plaintiff for winning at trial, as a Finder of Fact has determined that he did not commit any crime that Joshua Spears charged him with, without hearing from one witness on the Plaintiff's behalf, demonstrating a severe lack of evidence to even charge the Plaintiff with such crimes, let alone put him through the stress of a jury trial. Spears made the following false statements, verifiable by submitted evidence in such case captioned as Greene County Court of Common Pleas case no # 19SP10, "We were able to put Mr. Simkins in handcuffs without any use of force" "...in the video he thanks us for how we treated him and uh how we didn't hurt him and how we respected him" both of which are outright falsifications. Spears also States in writing in same captioned case that " Richard Simkins III was arrested by me back on 4-5-2014 for suspected aggravated robbery of a 67 year old male" However he admits this is not even true at the court hearing held on April 1st, 2019 stating firstly that "we arrested Mr Simkins for what we believed was robbery at the time...and obstruction" and then goes on to state that "he was arrested for obstruction and running". Spears makes several other knowingly and easily verifiable false statement, and the Magistrate Cynthia Martin allows such contradictory statements to continue without dismissing Spears Temporary Protection Order Request, with full knowledge that Spears has not made a claim under ORC 2903.211 nor did he state at this time any source or reasonable expectation that he was under any threat of danger from the Plaintiff. Cynthia Martin spends a good amount of time attempting to convince the Plaintiff to agree to such Order, and then failing that continues to interrupt the Plaintiff as he is attempting to present the lawful facts of the case stating to the Plaintiff not to come into her court and state the law contained to her, in that ORC 2903.211 &

2903.214 and the actual facts of record that Spears did not claim violations under these statutes was stated to her. It is the respectful assertion that this is exactly what a lawful court should do, listen to legal argument of law from both sides and issue a ruling based in the subject matter of law applied to the individual actions of the parties surrounding the issue. Magistrate Cynthia Martin further states that she will not go against another judge of the court, demonstrating that she is not concerned so much with the Constitutional Legality, or the lawful merits of such case, but more concerned with forwarding the unsubstantiated claims of Joshua Spears, demonstrated by her failure to dismiss the claims of Spears, after he clearly lacked any cognizable claim under ORC 2903.211 or 2903.214. Then Magistrate C. Martin sought to continue the TCSPO for four months claiming she was to review the evidence and give the Plaintiff more time to present his case, when the actual lawful thing to do was dismiss the case as Plaintiff had already presented enough evidence to warrant such dismissal, and reprimand Sheri Hall for permitting the filing of such a claim that lacked any claim of danger to the applicant(s), however this was not done, strongly suggesting that the Lewis mafia influence is heavy within this court and Constitutional Justice is firmly lacking. This action is ripe for relief under 42 U.S.C § 1983 and a TPO is needed to maintain the status quo until such time as a finder of fact can determine the lawful merits of such cause.

3. On May 14, 2019 a Retired Judge Michael Brady of 121 Greenrige Dr. Bellefontaine, 43311 makes his own motion, without legal reference to any code of law or rule of court in efforts to usurp authority and be deemed the finder of fact in this matter, to likely further abuse of discretionary power granted the Courts. This is highly unusual, as the Plaintiff understands ORC 2701.031 governs the disqualification of judges and to the Plaintiff's knowledge no such affidavit that is required to initiate such proceedings under this statute was issued by the Trial

Court or a party to the case in this matter. This motion was not rooted in law or rule, but made with a specific intent to usurp. Under ORC 1917.13 Mr. Brady is not qualified to be a judge in Greene County Ohio as he does not reside there. This act is a clear and unconstitutional abuse of authority, as there is no law whatsoever that has been stated to govern this motion, this is a legally rouge action perpetrated to favor the unsubstantiated claims of Spears. Such action is in violation of ORC 2701.031 (B)(3) as Plaintiff has obtained three full copies of said case file and no such affidavit can be found. This violates the U.S. Constitution XIV Amendment and should not be permitted or tolerated by any lawfully acting court of the land. Such actions are relievable under under 42 U.S.C § 1983 and a TPO is needed to maintain the status quo until such time as a finder of fact can determine the merit of such claims.

4. On May 29th, Chief Justice of the Ohio Supreme Court Maureen O'Conner of 65 S. Front Street Columbus Ohio, 43215 rules in favor of Brady's motion, without notice to the Plaintiff and without providing reason, rule of law, code of law, or any other information to suggest such ruling is rooted in law, rule of law, or any other suggestion that such ruling is issued out of sound reason, or logic, suggesting the only intent is to further Spears unsubstantiated claims. This is further violation of ORC 1917.13 and ORC 2701.03. As it is still the Plaintiff's assertion through the known facts that the only lawful ruling in such matters before the State of Ohio Greene County Common Pleas Court case #19SP0010 at this time is dismissal. Coupled with such abuse of discretionary power makes these actions relievable under 42 U.S.C § 1983 and a TPO is needed to maintain the status quo until such time as a finder of fact can determine the lawful merits of this case. Again noting ORC 2701.031(B)(3) and that no such affidavit has been served on the Plaintiff.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

8.02.2019

Signature of Plaintiff



Printed Name of Plaintiff

Richard Lee Simkins III

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address